



Division of
Enforcement

COMMODITY FUTURES TRADING COMMISSION

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Via ECF and E-Mail

Hon. Mary Kay Vyskocil
United States District Judge
Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl St., Courtroom 18C
New York, NY 10007

Re: *Commodity Futures Trading Commission v. HDR Global Trading Limited et al.* Case
No. 20-cv-8132 (MKV)

Dear Judge Vyskocil:

Pursuant to this Court's February 11, 2021 Order (ECF No. 41), Plaintiff Commodity Futures Trading Commission ("Commission") respectfully submits that it does not oppose the request by the U.S. Department of Justice ("DOJ") to intervene in the above-captioned case in order to seek a stay of discovery in this matter (ECF No. 40). Specifically, the Commission does not oppose the DOJ's anticipated request to stay discovery provided that the stay is: (1) limited and targeted in scope, as described in DOJ's letter; (2) remains in effect only until each of the individual defendants, Arthur Hayes, Ben Delo, and Sam Reed, enters a plea or there is a verdict in their criminal case, *U.S. v. Hayes et al.*, Case No. 20-cr-500 (JGK) (the "Criminal Case"), rather than the general "pendency of" of the Criminal Case; and (3) subject to reconsideration at the request of the parties.

Specifically, the Commission does not oppose a stay that limits only discovery and does not prejudice the Commission's efforts to effect service on Ben Delo, the sole defendant who has yet to appear on this matter; the parties' ability to proceed with legal motions; the submission of proposed orders; or the entry of default against any party that does not appear in this action. Presently, Defendants are to answer or respond on March 29, 2021 (ECF No. 41) and the parties have yet to commence discovery. Accordingly, the Commission respectfully submits that although it would like to proceed expeditiously, at this point in the proceedings it will not be prejudiced by a stay of discovery.

Best Regards,

Elizabeth N. Pendleton

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cc: All Counsel of Record (via CM/ECF)